

RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

Held October 17, _____ 19 88

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, October 17, 1988 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman James Singer, and the Pledge of Allegiance to the Flag with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer
 Councilmembers J. V. Stone
 Bernard Samples
 Sally Beals
 Brooks Compton
 Jeffrey Siler
 Clerk of Council Marilyn McLaughlin
 City Manager Darryl Kenning
 Municipal Attorney Robert Farquhar
 City Engineer Norbert Hoffman
 City Planner Alan Schwab

The Minutes of the following Meetings had been distributed prior to this Meeting:

Council Meetings - September 19, 1988.
 - October 10, 1988.
 Council Work Session Meetings - September 19, 1988.
 - September 26, 1988.
 - October 3, 1988.
 - October 10, 1988.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved, as distributed. Mrs. Beals seconded the motion. The motion passed unanimously, however, Mr. Siler abstained from the Minutes of the Meetings held October 10, 1988.

Mayor Heintz explained the City's summer beautification project and introduced Members of the City Beautiful Commission in attendance at this Meeting responsible for the presentation of the following City Beautiful Awards:

MAY RESIDENTIAL

Ralph and Jo Kammer	5518 Tyronda Lane
Tom and Doris Cassley	220 Glenburn Drive
Derrell and Thelma O'Donnel	8005 Station House Road
Dorsey and Daniel Hodapp	204 Zengel Drive
David and Cynthia Ginger	7860 Stonehouse Court
Ron and Sharon McBride	210 Boyce Road
Mr. and Mrs. Dallas Horvath	300 Village Square Road

COMMERCIAL

No Rinse Lab	900 East Franklin Street
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JUNE RESIDENTIAL

John and Sherry Glueckert	5015 Parkview Court
Jim and Judy Stangle	2010 Mapleton Drive
Millard and Erie Cantrell	850 Fernshire Drive
Mary Lou and Jack Schauer	78 Bradstreet Road
Joseph and Roberta Smith	215 Weller Avenue
Barbara Balata and Nancy Hittepole	406 Shawnee Trail
Mike and Connie Crompton	998 Marycrest Lane

COMMERCIAL

D'Amico's and Manzo's	79 South Main Street
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JULY RESIDENTIAL

Harold and Mary Ann Kepler	90 Sheldon Drive
Joseph and Jean Ploplis	5486 Marshall Road
Robert and Olga Mahlstedt	267 Monarch Road
Bob and Jane Pangburn	1325 Brainard Woods Drive
Carmine and Mary D'Amico	1090 Clintshire Drive
Mr. and Mrs. Jim Ables	9710 Pawnee Pass
Chester and Ollie Miller	7625 Pelway Drive

COMMERCIAL

Julie's Bridal Shoppe	125 East Franklin Street
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AUGUST RESIDENTIAL

Wayne and Judy Schuler	850 Kentshire Drive
Dr. and Mrs. Bryan Fitzgerald	8256 Station House Road
Elden and Linda Windle	1335 Brainard Woods Drive
Paul and Mary Ann Ollier	1122 Green Tree Drive
Arthur and Alma Miller	144 Tuxworth Road
David and Mary White	225 Goldengate Drive
Dwayne and Dee Swormstedt	475 Shirley Ann Drive

COMMERCIAL

Tony's Centerville Shell	8995 Lebanon Pike
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Mayor Heintz introduced the City's Volunteer Coordinator Teresa Sherow who assisted in recognizing CIVIC Volunteers for donating volunteer hours to the City of Centerville:

50 Hours	Sally Cox Margaret Gentis Ruth Hohne Margaret Juzulenas Bob Roberts
150 Hours	Howard Craven Joan DeVol Janet Lonadier Ralph Roads
350 Hours	Alice Nace
500 Hours	Russell Crockett

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750 Hours Martin Hohl
 Karl Pauzar

1000 Hours Ila Pearsall

Mayor Heintz announced the issuance of a Certificate of Appreciation to Dimco-Gray recognizing National Employee Ownership Week in Centerville.

Mayor Heintz advised that a Proclamation had been issued designating October 9 - 15, 1988 as Fire Prevention Week in Centerville.

Mayor Heintz informed the listening audience that the City Staff continues to pursue correction of various drainage problems in Centerville emphasized by recent heavy rains.

Mr. Kenning reported the following during his City Manager's Report:

Work continues on drainage problems in various areas of the City of Centerville.

Leaf pick-up began this date and will continue as long as weather permits. The schedule for pick-up has been published in the Town Crier.

In observance of Fire Prevention Week, residents should be reminded to test smoke detectors occasionally.

This being the last Meeting of Council prior to Election Day, Mr. Kenning urged all electors to vote on November 8.

Mayor Heintz reminded residents that Beggars Night in Centerville will be October 30, 1988 between the hours of 6:00 and 8:00 P.M.

GREENECO CORPORATION APPEAL TO COUNCIL TIFTON GREENS FENCE

The Public Hearing was held on an Appeal filed by Greeneco Corporation, against a decision rendered by the Planning Commission during their Meeting on August 30, 1988. Mr. Schwab located the property on a map being Tifton Greens Condominiums Project on Clyo Road and located the fences and sign on the property which are the subject of this Appeal. The Applicant has requested a Variance from the requirements of the Zoning Ordinance for the City of Centerville to erect a 7.5 foot high fence in the front yard along Clyo Road, an 8.3 foot high fence in the side yards, a privacy fence in the front yard and an additional ground mounted sign on the "Entrance Fence". The Ordinance permits a maximum height of 4 foot fence in the front yard, a maximum of 7 foot fence in the side and rear yard, fences in the front yard not of a privacy nature and the erection of one ground mounted sign. The zoning of the property in question is R-PD. Mr. Schwab reviewed the following action taken by the Planning Commission:

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1. Deny all Variances pertaining to fences.
2. A temporary sign shall be approved to be displayed on the fence for a period of one year commencing August 12, 1988. This motion passed by a 5-2 vote.

Mr. Gary Donese, Developer, reviewed for Council his misunderstanding relative to the designation of front yard and rear yard. Believing that the rear of buildings fronting along Clio Road were rear yards, he attempted to maintain a 7 foot high fence. Variations in the topography of the land and an attempt to keep the top of the fence level caused the fence height to vary from the 7 foot maximum height allowed, assuming it was classified as a rear yard. He committed to doing all possible to make the fences attractive and stressed the need for a privacy fence along Clio Road. He believes that higher mounds between the fence and Clio Road would interfere with proper drainage.

Mr. John Judge, John W. Judge Engineering Company, engineers for the project, explained the purpose of the 7 foot high fence along Clio Road to provide privacy and a barrier from noise generated by the business and industrial development on the west side of Clio Road.

Mr. Schwab defined front yard as contained in the Zoning Ordinance for the City of Centerville identifying that area between a building and an abutting street as front yard.

Discussion followed relative to how the existing fence height, height of additional fence, and type of fence violate the requirements of the Zoning Ordinance. Examples of mounding and landscaping were offered the developer.

Mr. Stone advised that he finds the present fence along Clio Road offensive, there are alternatives which would serve the same purpose as the fence.

Mrs. Beals explained how the fence in the front yard along Clio Road affects the total community, privacy can be obtained by mounding and landscaping.

Mr. Donese outlined for Council conversation he had with City Staff relative to the permitted fence height in a rear yard being seven feet, his interpretation that the area in question along Clio Road was rear yard and his belief that he was conforming with the requirements of the Zoning Ordinance.

Mr. Samples, in consideration of this fact, suggested that the fence along Clio Road not be removed but that it be hidden, almost totally, through mounding and vegetation.

Mr. Donese offered his willingness to work with City Staff to provide mounding and landscaping along Clio Road between the fence and the right of way.

Mr. Siler moved that the action taken by the Planning Commission concerning the Variance Application submitted by Greeneco Corporation on behalf of Tifton Greens Condominiums be modified to permit the following:

1. The fence along the west property line to exist at its present height.

2. The fence upon which the second ground mounted sign is attached remain at its present height.

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3. The additional ground mounted sign be permitted as a temporary sign for a period of one year commencing August 1, 1988.

4. The highest point of the partially constructed fence along or facing Clys Road be no more than 7 feet in height.

5. Extensive landscaping be put in place on top of the mound in front of the fence along Clys Road, said landscaping to be acceptable to the Planning Department of the City of Centerville.

6. It be understood that the fence is a solid board privacy fence.

Mr. Samples seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mr. Stone, Mrs. Beals and Mr. Singer voted no.

ORDINANCE NUMBER 7-88 COMPETITIVE BIDDING

The Public Hearing was held concerning Ordinance Number 7-88. Mr. Kenning reviewed this proposed Ordinance to provide the City ability to purchase items under \$10,000.00 without competitive bidding, thus streamlining the process. Quotes will continue to be received and reviewed. This Ordinance is consistent with State Law. Mr. Samples sponsored Ordinance Number 7-88, An Ordinance Amending Section 105.01 Of The Centerville Municipal Code, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 9-88 WHIPP ROAD RELOCATION

The Public Hearing was held concerning Ordinance Number 9-88. Mr. Kenning reviewed this proposed Ordinance providing for the relocation of Whipp Road at Wilmington Pike to intersect Feedwire Road as a Special Assessment. Upon question of Mrs. Beals, Mr. Kenning defined a Special Assessment as a process of cost sharing between property owners and government entities. Signalization will be provided at the new four way intersection. Mr. Compton sponsored Ordinance Number 9-88, An Ordinance Determining To Proceed With The Improvement Of Whipp Road In The City Of Centerville In Accordance With Resolution Number 17-88, And Providing For The Taking Of Bids For Such Improvement, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 10-88 CLYO ROAD

The Public Hearing was held concerning Ordinance Number 10-88. Mr. Kenning reviewed this proposed Ordinance to provide for the resurfacing of Clys Road from Centerville Station Road north to Alexandersville-Bellbrook Road. This is a 25% City, 75% Grant project to be undertaken in 1989. Mr. Singer sponsored Ordinance Number 10-88, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement And To Request Cooperation By The Director Of Transportation, and moved that it be passed. Mr. Siler

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seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 11-88 DOGS

The Public Hearing was held concerning Ordinance Number 11-88. Mr. Kenning reviewed this proposed Ordinance which merely provides for control of barking or howling dogs rather than requiring that both conditions exist for enforcement. Mrs. Beals sponsored Ordinance Number 11-88, An Ordinance Amending Section 505.09 (a) Of The Centerville Municipal Code Relating To Barking Or Howling Dogs, and moved that it be passed. Mr. Samples seconded the motion. The motion passed unanimously.

Mr. James Anderson, 945 Buck Spring Circle and Michael Roach, 965 Elk Hollow Lane, representing the Deer Run Owners Association, submitted to Council a Petition signed by residents of Deer Run requesting that the City withdraw its requirement that John G. Black Communities, Inc. install asphalt walkways in the Deer Run Condominium Project. They expressed concern with appearance, safety and future maintenance of these walkways. Mr. Anderson located the proposed walkways on a plan. Mr. Schwab reviewed for Council the fact that this network of walkways has been required throughout the development in lieu of sidewalks paralleling all private streets. Concrete sidewalks are required along the public streets. Mayor Heintz requested that this item be placed on the Council Work Session Agenda for October 24, 1988.

RESOLUTION NUMBER 25-88

Mr. Kenning reviewed the following Bids received by the City of Centerville for the rental of uniforms for the Service Department:

Arrow Uniform Rental Dayton, Ohio	\$12,542.00
Domestic Linen & Supply Company Vandalia, Ohio	14,364.40
Aratex Services, Inc. Dayton, Ohio	12,721.10

Mr. Kenning recommended acceptance of the Bid received from Aratex Services, Inc. in the amount of \$12,721.10. Aratex maintains local service facilities employing approximately 140 people, some of which are Centerville residents. Domestic Linen & Supply and Arrow Uniform ship uniforms to Michigan for service and repair. Proposed is a two year contract. Mrs. Beals sponsored Resolution Number 25-88, A Resolution Accepting The Bid Of Aratex Services, Inc., To Supply Uniform Rental To The Service Department Of The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Siler seconded the motion. The

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motion passed unanimously.

Mayor Heintz announced the fact that the flu vaccine will be distributed by the Combined Health District, Montgomery County, at the Centerville Municipal Building Community Room, on Thursday, November 3, 1988 between 1:30 and 4:00 P.M. The cost of this service is \$5.00.

There being no further business, the Meeting was adjourned.

Approved Shirley F. Heintz
Mayor

ATTEST:

Maril J. Laughlin
Clerk of Council